

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

FRANCES SPURLOCK AND JEFFREY
SPURLOCK *et al.*,

Plaintiffs,

v.

DAVID FOX *et al.*,

Defendants.

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Kevin H. Sharp

No. 3:09-cv-00756

Judge Sharp

Magistrate Judge Bryant

EMERGENCY MOTION TO EXTEND THE DISPOSITIVE MOTION DEADLINE
AND CONTINUE THE TRIAL DATE
[Fed. R. Civ. P. 16(b)(4)]

Defendants respectfully request that the Court extend the dispositive motion deadline. Unfortunately, to comply with Local Rule 16.01(d)(2)(f), this will require that the trial date in this matter be continued as well.

By way of explanation, the current dispositive motion deadline is Monday, December 19, 2011, but Plaintiffs' fourth motion to amend their complaint and the Magistrate Judge's recommendation with respect to that motion are still pending before the District Court. Until the District Court rules on Plaintiffs' latest motion to amend, there remain questions as to the scope and substance of Plaintiffs' complaint. And depending on the outcome of that motion, Plaintiff could have anywhere from three to nine claims, a distinction that would significantly impact Defendants' dispositive motion or motions.¹

¹ On June 30, 2011, Plaintiffs filed a fourth motion to amend their complaint, seeking to add six new claims and dozens of new factual allegations. (Doc. No. 189) On Thursday, December 8th, the Magistrate Judge issued a Report and Recommendation recommending that the District Court grant in part and deny in part Plaintiffs' motion to amend the complaint. (Doc. No. 224) "Any party has fourteen (14) days from receipt of this Report and Recommendation in which to file any written objections to it with the District Court." Furthermore, "[a]ny party opposing said objections shall have fourteen (14) days from receipt of any objections filed in which to file any